

# BIRCH, STEWART, KOLASCH & BIRCH, LLP

TERRELL C. BIRCH  
RAYMOND C. STEWART  
JOSEPH A. KOLASCH  
JAMES M. SLATTERY  
MICHAEL K. MUTTER  
CHARLES GORENSTEIN  
GERALD M. MURPHY, JR.  
LEONARD R. SVENSSON  
ANDREW D. MEIKLE  
MARC S. WEINER  
JOE MCKINNEY MUNCY  
ROBERT J. KENNEY  
JOHN W. BAILEY  
MARK J. NUELL, PH.D.  
JAMES T. ELLER, JR.  
D. RICHARD ANDERSON  
THOMAS M. SMALL\*  
ROBERT A. SELDON\*  
JOHN A. SCILLIERI\*  
SANFORD ASTOR\*

103945 U.S. PRO  
09/15/03

## INTELLECTUAL PROPERTY LAW

8110 GATEHOUSE ROAD  
SUITE 100 EAST  
FALLS CHURCH, VA 22042-1248  
USA

(703) 205-8000

FAX: (703) 205-8050  
(703) 698-8590 (G IV)

e-mail: mailroom@bskb.com  
web: <http://www.bskb.com>

CALIFORNIA OFFICES:  
COSTA MESA, CALIFORNIA  
LOS ANGELES, CALIFORNIA

SCOTT L. LOWE\*  
PAUL G. LEWIS  
RICHARD J. GALLAGHER  
MARYANNE ARMSTRONG, PH.D.  
KECIA J. REYNOLDS  
KALPANA REDDY  
ESTHER H. CHONG  
CATHERINE M. VOISINET\*  
EUGENE T. PEREZ  
CAROLYN T. BAUMGARDNER\*  
MARTIN R. GEISLER\*  
J. ALISON GRABELL\*  
T. BENJAMIN SCHROEDER, PH.D.  
PERCY L. SQUARE  
HYUNG N. SOHN  
CLINT A. GERDINE  
CRAIG A. McROBBIE  
WILLIAM F. NIXON\*  
DANIEL K. DORSEY  
MATTHEW T. SHANLEY

REG. PATENT AGENTS:  
FREDERICK R. HENDREN  
MAKI HATSUMI  
GARTH M. DAHLEN, PH.D.  
ROBERT E. GOOZNER, PH.D.  
KRISTI L. RUPERT, PH.D.  
SUSAN W. GORMAN, PH.D.  
ROBERT W. DOWNS  
CHAD J. BILLINGS  
CHRISTINE V. CASTILLO  
CARL T. THOMSEN  
SAM BHATTACHARYA  
BRADLEY C. FACH

OF COUNSEL:  
HERBERT M. BIRCH (1905-1996)  
BERNARD L. SWEENEY\*  
ELLIOT A. GOLDBERG\*  
WILLIAM L. GATES\*  
EDWARD H. VALANCE  
RUPERT J. BRADY (RET.)\*  
F. PRINCE BUTLER  
FRED S. WHISENHUNT (RET.)  
JAMES W. HELLWEGE  
QUENTIN R. "RICK" CORRIE  
ROBERT F. GNUSE  
DAVID R. MURPHY  
ROBERT M. ASHEN\*  
MICHAEL R. CAMMARATA

\*ADMITTED TO A BAR OTHER THAN VA.

Date: September 15, 2003

Docket No.: 2815-0236P

10/661629  
09/15/03

MS PATENT APPLICATION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is a Request for filing a divisional application under 37 C.F.R. § 1.53(b) of pending prior Application No. 09/590,304 filed on June 9, 2000, which is a conversion of U.S. Provisional Application 60/139,891 filed on June 22, 1999, the entire contents of which applications are hereby incorporated by reference, by Thomas J. JENTSCH

for

NOVEL POTASSIUM CHANNELS AND GENES ENCODING THESE POTASSIUM CHANNELS

1.  Enclosed is an application consisting of specification, claims, declaration and drawings/photographs (if applicable).
2.  The filing fee has been calculated as follows:

		LARGE ENTITY		SMALL ENTITY	
BASIC FEE		\$750.00		\$375.00	
	NUMBER FILED	NUMBER EXTRA	RATE FEE	RATE FEE	
<b>TOTAL CLAIMS</b>	78-20 =	58	x 18 = \$1,044.00	x 9 = \$0.00	
<b>INDEPENDENT CLAIMS</b>	5-3 =	2	x 84 = \$168.00	x 42 = \$0.00	
<input checked="" type="checkbox"/> MULTIPLE DEPENDENT CLAIMS PRESENTED			+ \$280.00	+ \$140.00	
		<b>TOTAL</b>	<b>\$2,242.00</b>	<b>\$0.00</b>	

✓ 3.  A check in the amount of \$2,242.00 to cover the filing fee and recording fee (if applicable) is enclosed.

4.  Please charge Deposit Account No. 02-2448 in the amount of \$0.00. A triplicate copy of this request is enclosed.

✓ 5.  Enclosed is/are eleven (11) sheet(s) of formal drawings and/or photographs.

6a.  A statement claiming small entity status was filed in prior Application No. \_\_\_\_\_ on \_\_\_\_\_. See the attached copy of the statement claiming small entity status.

6b.  The current application qualifies for small entity status.

7.  The prior application is assigned to NeuroSearch A/S.

8.  A Preliminary Amendment is enclosed.

9a.  Priority of Application No(s). PA-1999-00828 filed in Denmark on June 11, 1999 is/are claimed under 35 U.S.C. § 119. See attached copy of the Letter claiming priority filed in the prior application on September 5, 2000.

9b.  Priority of International Appln. \_\_\_\_\_ filed on \_\_\_\_\_ under the Patent Cooperation Treaty and \_\_\_\_\_ Application No. \_\_\_\_\_ filed in \_\_\_\_\_ on \_\_\_\_\_ under 35 U.S.C. § 120 and/or § 119 are hereby reclaimed.

10.  An Information Disclosure Statement and PTO-1449 form(s) are attached hereto for the Examiner's consideration.

11.  Address all future communications to:

BIRCH, STEWART, KOLASCH & BIRCH, LLP  
P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000

or

Customer No. 02292

12.  An extension of time for \_\_\_\_\_ month(s) until \_\_\_\_\_ has been submitted in parent Application No. \_\_\_\_\_ in order to establish co-pendency with the present application.

13.  Also enclosed herewith is the following:

Sequence Listing

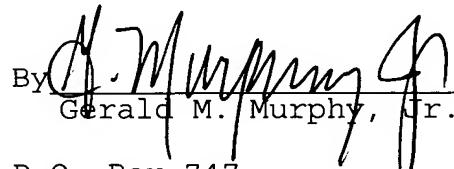
Computer Disk containing Sequence Listing

---

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By   
Gerald M. Murphy, Jr., #28,977

P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000

*JK*  
GMM/KLR/jeb  
2815-0236P

Attachment(s)

(Rev. 07/303)